

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

vs.

PARADIGM SINTERED PRODUCTS, INC.

Defendant.

Case No.

Honorable

**COMPLAINT
AND JURY DEMAND**

Robert McInerney, Clerk
Chief, U.S. District Judge

5:04 CV 0170

NATURE OF THE ACTION

This is an action brought under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to provide appropriate relief to Saravanan Thangavel ("Thangavel"), Edwin James ("James"), and Brian Adache ("Adache") who were adversely affected by such practices. The Equal Employment Opportunity Commission ("Commission") alleges that Paradigm Sintered Products, Inc. ("Defendant") discriminated against James and Thangavel by harassing them and subjecting them to different terms and conditions of employment based on their national origin, Indian, and unlawfully terminating them because of their national origin and in retaliation for complaining about or otherwise opposing such disparate treatment. In addition, the Commission alleges that Adache was unlawfully discharged in retaliation for opposing discriminatory employment practices based on national origin.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,

1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Michigan, Southern Division.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Paradigm Sintered Products Inc., has continually been a corporation doing business in the state of Michigan and the city of Battle Creek, and has continuously had in excess of 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than sixty (60) days prior to the institution of this lawsuit, Saravanan Thangavel, Edwin James, and Brian Adache filed a charge of discrimination with the Commission alleging a violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. The incidents of disparate treatment in Defendant's facility include the following; Requiring individuals of Indian national origin to:

- a. Work 50-90 hour work weeks while only being paid for 30 hours;
 - b. Work weekends and holidays and not receiving any vacations;
 - c. Work at the owner's home without further compensation doing yard work, house cleaning, gardening and snow removal;
 - d. Work 12-15 hours per day, 7 days a week;
 - e. Go home only once every two days and clean up, but not to sleep;
 - f. Work Sunday even though they requested time off to go to church;
8. Individuals of Indian national origin told by the owner that "we had no rights in this country" and the owner could do as he pleased to them.
9. Respondent also threatened them with termination and deportation if they did not pay for defective parts.

10. The Defendant's unlawful employment practices also include unlawfully discharging Thanagaval and Adache in retaliation for opposing its discriminatory employment practices, and discharging James because of his in violation of Section 704(a) of Title VII, 42 U.S.C. 2000e-3(a).

11. The effect of the unlawful employment practices complained of in paragraph 7 was to deprive Thanagaval, James and Adache of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin.

11. The unlawful employment practices complained of above were and are done with malice or reckless indifference to the federally protected rights of Thanagaval, James and Adache.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Order Defendant to provide training for all employees on the subjects of diversity in the workplace and Title VII's prohibitions against discrimination based on National Origin;
- B. Order Defendant to devise an appropriate method of discipline for employees who violate the prohibitions of Title VII and for supervisors who fail to remedy National Origin discrimination;
- C. Order Defendant to post its disciplinary rules for violating Title VII in a conspicuous place;
- D. Grant the Commission an injunction enjoining Defendant from participating in any unlawful employment practices;
- E. Order Defendant to make whole Thanagaval, James and Adache, by providing an appropriate amount of compensatory damages to be determined at trial along with any other affirmative relief necessary to eradicate the effects of the unlawful employment practices complained of above;
- F. Order Defendant to pay Thanagaval, James and Adache punitive damages for its malicious or reckless conduct described above in an amount to be proven at trial;
- G. Order Defendant to pay Thanagaval, James and Adache back pay in an amount to be proven at trial;
- H. Order Defendant to pay Thanagaval, James and Adache nominal damages resulting from the unlawful practices complained of above;

I. Grant such further relief as the Court deems necessary and proper in the public interest;

J. Award the Commission its cost of this action.

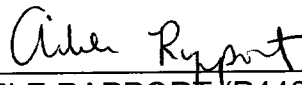
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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General Counsel

JAMES LEE
Deputy General Counsel


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DATE: September 30, 2004

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